SENATE BILL No. 46

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-24-15-6.7; IC 9-25-6; IC 10-16-7-22; IC 12-17-2-35; IC 29-3-3-6; IC 31-9-2-133.5; IC 31-12; IC 31-14; IC 31-15; IC 31-16-3.5; IC 31-17; IC 31-18; IC 31-35; IC 34-7-4-2; IC 34-26-5-9; IC 35-42-3-4.

Synopsis: Parenting time. Replaces references to "visitation" with "parenting time" in parental custody statutes. (The introduced version of this bill was prepared by the child custody and support advisory committee.)

Effective: July 1, 2004.

Ford

November 21, 2003, read first time and referred to Committee on Judiciary.



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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

C

SENATE BILL No. 46

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:



SECTION 1. IC 9-24-15-6.7, AS AMENDED BY P.L.117-2001
SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2004]: Sec. 6.7. (a) If a petitioner whose driving license or
permit is suspended under IC 9-25-6-19, IC 9-25-6-20, or IC 9-25-6-21
proves to the satisfaction of the court that public transportation is
unavailable for travel by the petitioner:

- (1) to and from the petitioner's regular place of employment;
- (2) in the course of the petitioner's regular employment;
- (3) to and from the petitioner's place of worship; or
- (4) to participate in visitation parenting time with the petitioner's children consistent with a court order granting visitation; parenting time;

the court may grant a petition for a restricted driving permit filed under this chapter.

(b) A restricted driving permit issued by the bureau under this section must specify that the restricted driving permit is valid only for purposes of driving under the conditions described in subsection (a).



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1	(c) A restricted driving permit issued by the bureau under this
2	section shall be:
3	(1) issued in the same manner; and
4	(2) subject to all requirements;
5	as other permits under this chapter.
6	SECTION 2. IC 9-25-6-19 IS AMENDED TO READ AS
7	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19. (a) The bureau
8	shall, upon receiving an order of a court issued under IC 31-14-12-4 or
9	IC 31-16-12-7 (or IC 31-1-11.5-13(j) or IC 31-6-6.1-16(j) before their
0	repeal), suspend the driving license or permit of the person who is the
1	subject of the order.
2	(b) The bureau may not reinstate a driving license or permit
3	suspended under this section until the bureau receives an order
4	allowing reinstatement from the court that issued the order for
5	suspension.
6	(c) Upon receiving an order for suspension under subsection (a), the
7	bureau shall promptly mail a notice to the last known address of the
8	person who is the subject of the order, stating the following:
9	(1) That the person's driving privileges are suspended, beginning
20	five (5) business days after the date the notice is mailed, and that
21	the suspension will terminate ten (10) business days after the
22	bureau receives an order allowing reinstatement from the court
23	that issued the suspension order.
24	(2) That the person has the right to petition for reinstatement of
25	driving privileges to the court that issued the order for suspension.
26	(3) That the person may be granted a restricted driving permit
27	under IC 9-24-15-6.7 if the person can prove that public
28	transportation is unavailable for travel by the person:
29	(A) to and from the person's regular place of employment;
0	(B) in the course of the person's regular employment;
31	(C) to and from the person's place of worship; or
32	(D) to participate in visitation parenting time with the
33	petitioner's children consistent with a court order granting
34	visitation. parenting time.
35	(d) Unless a person whose driving license or permit is suspended
66	under this section has been issued a restricted driving permit under
37	IC 9-24-15 as a result of a suspension under this section, a person who
8	operates a motor vehicle in violation of the section commits a Class A
9	infraction.
10	SECTION 3. IC 9-25-6-20, AS AMENDED BY P.L.86-2002,
1	SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12	JULY 1, 2004]: Sec. 20. (a) If the bureau is advised by the Title IV-D



1	agency that the obligor (as defined in IC 12-17-2-2.5) either requested
2	a hearing under IC 12-17-2-35 and failed to appear or appeared and
3	was found to be delinquent, the bureau shall promptly mail a notice to
4	the obligor stating the following:
5	(1) That the obligor's driving privileges are suspended, beginning
6	twenty (20) business days after the date the notice is mailed, and
7	that the suspension will terminate after the bureau receives a
8	notice from the Title IV-D agency that the obligor has:
9	(A) paid the obligor's child support arrearage in full; or
10	(B) established a payment plan with the Title IV-D agency to
11	pay the arrearage and requested the activation of an income
12	withholding order under IC 31-16-15-2.
13	(2) Explains that the obligor may be granted a restricted driving
14	permit under IC 9-24-15-6.7 if the obligor can prove that public
15	transportation is unavailable for travel by the obligor:
16	(A) to and from the obligor's regular place of employment;
17	(B) in the course of the obligor's regular employment;
18	(C) to and from the obligor's place of worship; or
19	(D) to participate in visitation parenting time with the
20	petitioner's children consistent with a court order granting
21	visitation. parenting time.
22	(b) The bureau may not reinstate a driving license or permit
23	suspended under this section until the bureau receives a notice from the
24	Title IV-D agency that the obligor has:
25	(1) paid the obligor's child support arrearage in full; or
26	(2) established a payment plan with the Title IV-D agency to pay
27	the arrearage and requested the activation of an income
28	withholding order under IC 31-16-15-2.
29	(c) Unless an obligor whose driving license or permit is suspended
30	under this section has been issued a restricted driving permit under
31	IC 9-24-15 as a result of a suspension under this section, an obligor
32	who operates a motor vehicle in violation of the section commits a
33	Class A infraction.
34	SECTION 4. IC 10-16-7-22, AS ADDED BY P.L.2-2003,
35	SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36	JULY 1, 2004]: Sec. 22. If a member of the Indiana national guard or
37	a member of a reserve component of the armed forces of the United
38	States:
39	(1) is a noncustodial parent (as defined in IC 31-9-2-83);
40	(2) misses visitation parenting time as provided in an order
41	issued under IC 31-14-14 or IC 31-17-4 due to participating in an
42	activity required under this chapter; and



1	(3) notifies the custodial parent at least seven (7) days before the
2	member misses the anticipated visitation parenting time
3	described in subdivision (2), unless the member is unable to
4	provide notice due to a government emergency;
5	the member shall be allowed to make up the lost visitation parenting
6	time at the member's earliest convenience but not later than one (1)
7	month after the member misses the visitation parenting time under
8	this section, if exercising the lost visitation parenting time does not
9	conflict with the child's school schedule.
10	SECTION 5. IC 12-17-2-35 IS AMENDED TO READ AS
11	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 35. (a) An obligor may
12	contest the Title IV-D agency's determination to issue an order under
13	section 34 of this chapter by making a written application to the Title
14	IV-D agency within twenty (20) days after the date that notice is mailed
15	to the obligor.
16	(b) The only basis for contesting an order issued under this section
17	is a mistake of fact.
18	(c) The Title IV-D agency shall hold a hearing, within twenty-five
19	(25) days after written application is made under subsection (a), to
20	review its determination to issue an order under section 34 of this
21	chapter. The Title IV-D agency shall make a determination in writing
22	on the issuance of an order under section 34 of this chapter at the
23	hearing.
24	(d) At the hearing described in subsection (c), if the obligor whose
25	driving license or permit is suspended under this chapter proves to the
26	satisfaction of the Title IV-D agency that public transportation is
27	unavailable for travel by the obligor:
28	(1) to and from the obligor's regular place of employment;
29	(2) in the course of the obligor's regular employment;
30	(3) to and from the obligor's place of worship; or
31	(4) to participate in visitation parenting time with the obligor's
32	children consistent with a court order granting visitation;
33	parenting time;
34	the Title IV-D agency may order the bureau of motor vehicles to issue
35	the obligor a restricted driving permit.
36	(e) If the obligor requests a hearing but fails to appear or if the
37	obligor appears and is found to be delinquent, the Title IV-D agency
38	shall issue an order to the bureau of motor vehicles stating that the
39	obligor is delinquent.
40	(f) An order issued under subsection (e) must require the following:
41	(1) If the obligor who is the subject of the order holds a driving

license or permit on the date the order is issued, that the obligor's



1	driving privileges be suspended under further order of the Title
2	IV-D agency.
3	(2) If the obligor who is the subject of the order does not hold a
4	driving license or permit on the date the order is issued, that the
5	bureau of motor vehicles may not issue a driving license or permit
6	to the obligor until the bureau of motor vehicles receives a further
7	order from the Title IV-D agency.
8	(g) A restricted driving permit issued by the bureau of motor
9	vehicles under this section must specify that the restricted driving
10	permit is valid only for purposes of driving under the conditions
11	described in subsection (d).
12	(h) Unless a person whose driving license or permit is suspended
13	under this chapter has been issued a restricted driving permit under this
14	section as a result of a suspension under this chapter, a person who
15	operates a motor vehicle in violation of this section commits a Class A
16	infraction.
17	SECTION 6. IC 29-3-3-6 IS AMENDED TO READ AS FOLLOWS
18	[EFFECTIVE JULY 1, 2004]: Sec. 6. (a) The surviving parent of a
19	minor does not have the right to custody of the minor without a
20	proceeding authorized by law if the parent was not granted custody of
21	the minor in a dissolution of marriage decree and the conditions
22	specified in this section exist.
23	(b) If:
24	(1) the surviving parent, at the time of the custodial parent's death,
25	had required supervision during visiting parenting time
26	privileges granted under a dissolution of marriage decree
27	involving the minor; or
28	(2) the surviving parent's visiting parenting time privileges with
29	the minor had been suspended at the time of the death of the
30	custodial parent;
31	the court on petition by any person, including a temporary custodian
32	named under IC 31-17-2-11 (or IC 31-1-11.5-27 before its repeal), or
33	on the court's own motion, may appoint a temporary guardian for the
34	minor for a specified period not to exceed sixty (60) days.
35	(c) If a petition is filed under this section, a court shall appoint a
36	guardian ad litem (as defined in IC 31-9-2-51) IC 31-9-2-50) or a court
37	appointed special advocate (as defined in IC 31-9-2-29) for the child.
38	A guardian ad litem or court appointed special advocate appointed
39	under this section serves until removed by the court.
40	(d) If a temporary guardian is appointed without notice and the
41	minor files a petition that the guardianship be terminated or the court

order modified, the court shall hold a hearing and make a determination



1	on the petition at the earliest possible time.
2	(e) A temporary guardian appointed under this section has only the
3	responsibilities and powers that are ordered by the court.
4	(f) A proceeding under this section may be joined with a proceeding
5	under IC 29-3-4 or IC 29-3-5.
6	(g) The court shall appoint a guardian under this article if the court
7	finds that the surviving parent is not entitled to the right of custody of
8	the minor.
9	SECTION 7. IC 31-9-2-133.5 IS ADDED TO THE INDIANA
10	CODE AS A NEW SECTION TO READ AS FOLLOWS
11	[EFFECTIVE JULY 1, 2004]: Sec. 133.5. "Parenting time" means
12	the time set aside by a court order for a parent and child to spend
13	together.
14	SECTION 8. IC 31-12-1-11 IS AMENDED TO READ AS
15	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. A domestic
16	relations counselor shall, when directed by the judge of any domestic
17	relations court, perform the following duties in domestic relations cases
18	and such other duties as the judge of the domestic relations court
19	assigns to the counselor:
20	(1) The domestic relations counselor shall promptly receive all
21	requests for counseling services for the purpose of disposing of
22	the requests under this chapter.
23	(2) Whenever a petition is filed and either party requests
24	counseling, the domestic relations counselor shall, in the
25	counselor's discretion:
26	(A) interview and counsel each plaintiff and, if feasible and
27	desirable, each defendant; or
28	(B) confer with both jointly;
29	for the purpose of reconciling the differences between the parties
30	and making recommendations to the judge of the domestic
31	relations court.
32	(3) In each case assigned to the domestic relations court in which
33	the custody, support, or welfare of a child is involved, in order to
34	protect and conserve the interest of the child, the domestic
35	relations counselor shall investigate and report upon:
36	(A) the status and condition of the parties to the cause;
37	(B) the status and condition of the child;
38	(C) the provisions made or to be made for the protection of the
39	welfare of the child; and
40	(D) any other matter pertaining to the marriage that may affect
41	the welfare of the child.
42	(4) Upon request of the domestic relations court judge, the



1	counselor shall:
2	(A) make post-dissolution studies of problems arising in
3	connection with child custody, support, and visitation;
4	parenting time;
5	(B) provide assistance to the parties in the enforcement of
6	support orders; and
7	(C) cause reports to be made and statistics to be compiled,
8	which records and reports shall be kept as the judge of the
9	domestic relations court may direct.
10	(5) The counselor shall provide such supervision in connection
11	with the exercise of the jurisdiction of the domestic relations court
12	as the judge may order.
13	SECTION 9. IC 31-12-2-6 IS AMENDED TO READ AS
14	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. The domestic
15	relations counseling bureau shall perform the following duties in
16	domestic relations cases and such other duties as the judges described
17	in section 1(1) of this chapter, the judge described in section 1(2) of
18	this chapter, or a magistrate assigns to the domestic relations
19	counseling bureau:
20	(1) The domestic relations counseling bureau shall promptly
21	receive all requests for counseling services for the purpose of
22	disposing of the requests under this chapter.
23	(2) Whenever a proceeding is initiated and either party requests
24	counseling or mediation, the domestic relations counseling bureau
25	shall, in the bureau's discretion, interview and counsel each party
26	or confer with both parties jointly for the purpose of reconciling
27	the differences between the parties and making recommendations
28	to the judge of any court upon referral.
29	(3) In each case assigned to the bureau in which the custody,
30	support, or welfare of a child is involved, to protect and conserve
31	the interest of the child, the domestic relations counseling bureau
32	shall investigate and report upon:
33	(A) the status and condition of the parties to the cause;
34	(B) the status and condition of the child;
35	(C) the provisions made or to be made for the protection of the
36	welfare of the child; and
37	(D) any other matter pertaining to the marriage that may affect
38	the welfare of the child.
39	(4) Upon order of the judges described in section 1(1) of this
40	chapter or the judge described in section 1(2) of this chapter, the
41	domestic relations counseling bureau shall:
42	(A) make post-divorce studies of problems arising in



1	connection with child c	ustody, support, and visitation;	
2	parenting time;		
3	(B) provide assistance to	the parties in the enforcement of	
4	support orders; and		
5	(C) cause reports to be ma	ade and statistics to be compiled,	
6	which records and reports sl	hall be kept as the judges described	
7		er or the judge described in section	
8	1(2) of this chapter directs.		
9		counseling bureau shall provide	
.0	•	referred cases or other cases as the	
.1		1(1) of this chapter or the judge	
.2	described in section 1(2) of th		
.3		AS ADDED BY P.L.171-2001,	
.4	SECTION 1, IS AMENDED TO RE		
.5	JULY 1, 2004]: Sec. 1. A bond requ		
.6	obligation of child support, enfo	· · · · · · · · · · · · · · · · · · ·	
.7	enforcement of a visitation parenti	ng time order must:	
. 8	(1) be in writing; and		
9	(2) be secured by:		
20	(A) at least one (1) residen		
21	(B) a commercial insurance	- ·	
22		AS ADDED BY P.L.171-2001,	
23	SECTION 1, IS AMENDED TO RE		
24	JULY 1, 2004]: Sec. 2. A bond des	-	
2.5	may be prepared in substantially the	e following form:	
26	STATE OF INDIANA)	
27	COLINTY OF) SS:	V
28 29	COUNTY OF	_)	
.9 80)	
51	IN THE MATTER OF:)	
52	IN THE MATTER OF.)	
33)	
34	Name of Parent (As the Principal)	,	
55	rvaine of Farent (As the Finespar))	
66	Name of Parent (As the Obligee)	,	
57	rume of rulent (715 the congec))	
88)	
9	CHILD:	,	
10)	
1	Name of Child	,	
2)	
		,	



1	KNO	W ALL MEN BY THESE PRESENTS, that we, as	
2		l, and, as Surety, are held and firmly bound unto,	
3	as Oblig	ee, in the penal sum of Dollars (\$), for the payment	
4	of which	n well and truly to be made we hereby bind ourselves and our	
5	heirs, ad	lministrators, successors, and assigns, jointly and severally,	
6	firmly by	y these presents.	
7	WHE	EREAS, an Order was duly made and entered by the above	
8	Court in	the State of Indiana, County of, dated, defining	
9	custody,	visitation, parenting time, and support rights regarding the	
0	named c	hildren.	
1	NOW	THEREFORE, the conditions of this obligation are such that:	
2	1.	No right of action on this bond shall be granted for the use	
.3		or benefit of any individual, partnership, corporation, or	
4		other entity, other than the named Obligee.	
.5	2.	It is agreed that neither this bond nor the obligation of this	_
.6		bond, nor any interest in this bond, may be assigned without	
7		the prior express written consent of the Surety.	
. 8	3.	Payment under this bond shall be conditioned upon the	
9		Obligee's, or the representative of the Obligee's, filing a	
20		motion with the court seeking a declaration of forfeiture of	
21		the bond and the Court's finding and entry of a final	
22		judgment ordering the Principal and Surety to make such	
23		payment. A certified copy of the filing shall be provided to	
24		the Surety at its address of record. The Surety shall make	_
25		payment within thirty (30) days of receiving notification of	
26		the final judgment directly to a Trustee appointed by the	_
27		Court who shall administer the funds in a fiduciary capacity.	
28	4.	The Surety shall not be liable hereunder for any amount	
29	_	larger than the face amount of this bond.	
30	5.	This bond and the obligation hereunder shall terminate and	
31		be of no further effect if the Court order requiring it is	
32		modified in any way without the Surety's consent, the Court	
33		order expires, or this cause is removed to another	
4		jurisdiction.	
55	6.	The Surety may file a motion with the Court for discharge of	
66		this bond and its obligation hereunder for any good cause.	
57		Good cause includes, but is not limited to, misrepresentation	
8		or fraud in the initial application for this bond, nonpayment	
19		of premium, loss of collateral, or resignation of the	
10		Indemnitor. The Surety shall give notice of any such motion	
1	MOU	to the Obligee.	
12	NOW	THEREFORE, if the Principal faithfully complies with the	



1	requirements and conditions of the Court Order within the limitations
2	and parameters set forth therein, then this Obligation shall be void,
3	otherwise it shall remain in full force and effect.
4	In witness whereof, each party to this bond has caused it to be
5	executed at the place and on the date indicated below.
6	Signed, sealed and dated on this day of, 20
7	Principal: Surety:
8	
9	(Name and address of Principal)
10	(Name and address of Surety)
11	
12	(Signature of Principal)
13	(Countersigned by attorney-in-fact)
14	(Surety seal)
15	Witness:
16	SECTION 12. IC 31-14-1.5-3, AS ADDED BY P.L.171-2001,
17	SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18	JULY 1, 2004]: Sec. 3. Upon forfeiture, the proceeds of the security, a
19	bond, or other guarantee ordered to secure the obligation of child
20	support, enforcement of a custody order, or enforcement of a visitation
21	parenting time order under this article may only be used to:
22	(1) reimburse the nonviolating party for actual costs or damages
23	incurred in upholding the court's order;
24	(2) locate and return the child to the residence as set forth in the
25	court's order, if the security, bond, or guarantee covers custody or
26	visitation, parenting time, or both; or
27	(3) reimburse reasonable fees and court costs to the court
28	appointed trustee.
29	SECTION 13. IC 31-14-1.5-4, AS ADDED BY P.L.171-2001,
30	SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31	JULY 1, 2004]: Sec. 4. Upon forfeiture, the proceeds of security, a
32	bond, or other guarantee ordered to secure the obligation of child
33	support, enforcement of a custody order, or enforcement of a visitation
34	parenting time order under this article that are not applied to the
35	expenses described in section 3 of this chapter must be applied toward:
36	(1) the child's higher education; or
37	(2) the support and maintenance of the child.
38	SECTION 14. IC 31-14-10-1 IS AMENDED TO READ AS
39	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. Upon finding that a
40	man is the child's biological father, the court shall, in the initial
41	determination, conduct a hearing to determine the issues of support,
42	custody, and visitation. parenting time. Upon the request of any party



1	or on the court's own motion, the court may order a probation officer or
2	caseworker to prepare a report to assist the court in determining these
3	matters.
4	SECTION 15. IC 31-14-10-3 IS AMENDED TO READ AS
5	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. The court may make
6	findings and orders without holding the hearing required by section 1
7	of this chapter if:
8	(1) the mother and the alleged father execute and file with the
9	court a verified written stipulation; or
10	(2) the parties have filed a joint petition;
11	resolving the issues of custody, child support, and visitation. parenting
12	time. The court shall incorporate provisions of the written stipulation
13	or joint petition into orders entered under this section.
14	SECTION 16. IC 31-14-13-5 IS AMENDED TO READ AS
15	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. The court may order
16	the probation department, the county office of family and children, or
17	any licensed child placing agency to supervise the placement to ensure
18	that the custodial or visitation parenting time terms of the decree are
19	carried out if:
20	(1) both parents or the child request supervision; or
21	(2) the court finds that without supervision the child's physical
22	health and well-being would be endangered or the child's
23	emotional development would be significantly impaired.
24	SECTION 17. IC 31-14-13-6.7, AS ADDED BY P.L.171-2001,
25	SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26	JULY 1, 2004]: Sec. 6.7. (a) The court shall consider requiring
27	security, a bond, or another guarantee under section 6.5 of this chapter
28	if the court makes a finding under subdivision (1), (2), (4), or (7) by
29	clear and convincing evidence. If the court makes a finding under
30	subdivisions subdivision (1), (2), (4), or (7), the court shall also
31	consider subdivisions (3), (5), (6), (8), and (9) in determining the
32	amount of security, bond, or other guarantee. In making a
33	determination under this section, the court shall consider the following:
34	(1) Whether a party has previously taken a child out of Indiana or
35	another state in violation of a custody, parenting time, or
36	visitation order.
37	(2) Whether a party has previously threatened to take a child out
38	of Indiana or another state in violation of a custody, parenting
39	time, or visitation order.
40	(3) Whether a party has strong ties to Indiana.
41	(4) Whether a party:
42	(A) is a citizen of another country;



1	(B) has strong emotional or cultural ties to the other country;
2	and
3	(C) has indicated or threatened to take a child out of Indiana
4	to the other country.
5 6	(5) Whether a party has friends or family living outside Indiana.(6) Whether a party does not have a financial reason to stay in
7	Indiana, such as whether the party is unemployed, able to work
8	anywhere, or is financially independent.
9	(7) Whether a party has engaged in planning that would facilitate
10	removal from Indiana, such as quitting a job, selling the party's
11	primary residence, terminating a lease, closing an account,
12	liquidating other assets, hiding or destroying documents, applying
13	for a passport, applying for a birth certificate, or applying for
14	school or medical records.
15	(8) Whether a party has a history of marital instability, a lack of
16	parental cooperation, domestic violence, or child abuse.
17	(9) Whether a party has a criminal record.
18	After considering evidence, the court shall issue a written
19	determination of security, bond, or other written guarantee supported
20	by findings of fact and conclusions of law.
21	(b) If a motion for change of judge or change of venue is filed, the
22	court may, before a determination of change of judge or change of
23	venue, consider security, bond, or other guarantee under this chapter.
24	SECTION 18. IC 31-14-14-1 IS AMENDED TO READ AS
25	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. A noncustodial
26	parent is entitled to reasonable visitation parenting time rights unless
27	the court finds, after a hearing, that visitation parenting time might:
28	(1) endanger the child's physical health and well-being; or
29	(2) significantly impair the child's emotional development.
30	SECTION 19. IC 31-14-14-2 IS AMENDED TO READ AS
31	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. The court may
32	modify an order granting or denying visitation parenting time rights
33	whenever modification would serve the best interests of the child.
34	SECTION 20. IC 31-14-14-2.5, AS ADDED BY P.L.171-2001,
35	SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36	JULY 1, 2004]: Sec. 2.5. The court may provide in:
37	(1) a visitation parenting time order; or
38	(2) a modification of a visitation parenting time order;
39	for the security, bond, or other guarantee that is satisfactory to secure
40	enforcement of the visitation parenting time order.
41	SECTION 21. IC 31-14-14-4, AS AMENDED BY P.L.2-2003,
42	SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1	JULY 1, 2004]: Sec. 4. A noncustodial parent who misses visitation	
2	parenting time as the result of participation in an activity of:	
3	(1) the Indiana National Guard; or	
4	(2) a reserve component of the armed forces of the United States;	
5	may make up the lost visitation parenting time as provided in	
6	IC 10-16-7-22.	
7	SECTION 22. IC 31-14-14-5, AS AMENDED BY P.L.133-2002,	
8	SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
9	JULY 1, 2004]: Sec. 5. (a) This section applies if a court finds that a	
10	noncustodial parent has been convicted of a crime involving domestic	1
11	or family violence that was witnessed or heard by the noncustodial	1
12	parent's child.	
13	(b) There is created a rebuttable presumption that the court shall	
14	order that the noncustodial parent's visitation parenting time with the	
15	child must be supervised:	
16	(1) for at least one (1) year and not more than two (2) years	1
17	immediately following the crime involving domestic or family	•
18	violence; or	
19	(2) until the child becomes emancipated;	
20	whichever occurs first.	
21	SECTION 23. IC 31-14-15-1 IS AMENDED TO READ AS	ı
22	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. A noncustodial	
23	parent who:	
24	(1) has been granted visitation parenting time rights with a child	
25	who lives with the custodial parent;	
26	(2) regularly pays support ordered by a court for the child; and	
27	(3) is barred by a custodial parent from exercising visitation	١
28	parenting time rights ordered for the noncustodial parent and the	_
29	child;	ı
30	may file, in the court that has jurisdiction over the paternity action, an	
31	application for a permanent injunction against the custodial parent	
32	under Rule 65 of the Indiana Rules of Trial Procedure.	
33	SECTION 24. IC 31-14-15-2 IS AMENDED TO READ AS	
34	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) If:	
35	(1) an application for an injunction is filed under this chapter (or	
36	IC 31-6-6.1-12.1 before its repeal); and	
37	(2) the noncustodial parent submits an affidavit as described in	
38	subsection (b);	
39	the court may grant, without notice, a temporary restraining order	
40 4.1	restraining the custodial parent from further violation of the visitation	
41	parenting time order.	
12	(b) In the affidavit, the noncustodial parent shall state under	



1	penalties for perjury:
2	(1) that the noncustodial parent has been granted visitation
3	parenting time rights with the child; and
4	(2) that the noncustodial parent regularly pays the support ordered
5	by a court for the child.
6	(c) The court shall hold a hearing upon the restraining order at the
7	earliest convenience of the court.
8	SECTION 25. IC 31-14-15-4, AS AMENDED BY P.L.32-2000,
9	SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
0	JULY 1, 2004]: Sec. 4. A court that finds a violation without justifiable
1	cause by a custodial parent of an injunction or a temporary restraining
2	order issued under this chapter (or IC 31-6-6.1-12.1 before its repeal):
.3	(1) shall find the custodial parent in contempt of court;
.4	(2) shall order the exercise of visitation parenting time that was
.5	not exercised due to the violation under this section (or
.6	IC 31-6-6.1-12.1(e) before its repeal) at a time the court considers
.7	compatible with the schedules of the noncustodial parent and the
. 8	child;
9	(3) may order payment by the custodial parent of reasonable
20	attorney's fees, costs, and expenses to the noncustodial parent;
21	and
22	(4) may order the custodial parent to perform community
23	restitution or service without compensation in a manner specified
24	by the court.
25	SECTION 26. IC 31-15-4-11 IS AMENDED TO READ AS
26	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. The filing by either
27	party of a motion for change of venue or change from the judge during
28	the period before the court makes a determination under section 6 of
29	this chapter does not divest the court of jurisdiction to:
30	(1) hear evidence upon the petition;
1	(2) set an amount of temporary child support;
32	(3) determine temporary custody; or
33	(4) order appropriate visitation. parenting time.
34	SECTION 27. IC 31-15-4-12 IS AMENDED TO READ AS
35	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. If the court grants
66	a change of venue or change from the judge after the preliminary order
37	of support, custody, or visitation parenting time is issued, either party
8	may:
19	(1) file a petition for a subsequent preliminary hearing on the
10	issue of temporary child support, temporary custody, or visitation;
1	parenting time;
12	(2) seek relief from the original order; and



1	(3) request that the court conduct a hearing relating to any other	
2	temporary order available under this article.	
3	SECTION 28. IC 31-15-6-8 IS AMENDED TO READ AS	
4	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. The court may order	
5	a guardian ad litem or court appointed special advocate appointed by	
6	a court under this chapter (or IC 31-1-11.5-28 before its repeal) to	
7	exercise continuing supervision over the child to assure that the	
8	custodial or visitation parenting time terms of an order entered by the	
9	court under this article (or IC 31-1-11.5 before its repeal) are carried	
10	out as required by the court.	
11	SECTION 29. IC 31-16-3.5-2, AS ADDED BY P.L.171-2001,	
12	SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
13	JULY 1, 2004]: Sec. 2. A bond described in section 1 of this chapter	
14	may be prepared in substantially the following form:	
15	STATE OF INDIANA)	_
16) SS:	
17	COUNTY OF)	U
18)	
19)	
20	IN THE MATTER OF:	
21)	
22)	
23	Name of Parent (As the Principal)	
24)	_
25	Name of Parent (As the Obligee)	
26)	
27)	
28	CHILD:	y
29)	
30	Name of Child	
31)	
32	KNOW ALL MEN BY THESE PRESENTS, that we, as	
33	Principal, and, as Surety, are held and firmly bound unto,	
34	as Obligee, in the penal sum of Dollars (\$), for the payment	
35	of which well and truly to be made we hereby bind ourselves and our	
36	heirs, administrators, successors, and assigns, jointly and severally,	
37	firmly by these presents.	
38	WHEREAS, an Order was duly made and entered by the above	
39	Court in the State of Indiana, County of, dated, defining	
40	custody, visitation, parenting time, and support rights regarding the	
41	named children.	
42	NOW THEREFORE, the conditions of this obligation are such that:	



2	1.	or benefit of any individual, partnership, corporation, or
3		other entity, other than the named Obligee.
4	2.	It is agreed that neither this bond nor the obligation of this
5	2.	bond, nor any interest in this bond, may be assigned without
6		the prior express written consent of the Surety.
7	3.	Payment under this bond shall be conditioned upon the
8		Obligee's, or the representative of the Obligee's, filing a
9		motion with the court seeking a declaration of forfeiture of
.0		the bond and the Court's finding and entry of a final
1		judgment ordering the Principal and Surety to make such
2		payment. A certified copy of the filing shall be provided to
3		the Surety at its address of record. The Surety shall make
4		payment within thirty (30) days of receiving notification of
.5		the final judgment directly to a Trustee appointed by the
6		Court who shall administer the funds in a fiduciary capacity.
7	4.	The Surety shall not be liable hereunder for any amount
. 8		larger than the face amount of this bond.
.9	5.	This bond and the obligation hereunder shall terminate and
20		be of no further effect if the Court order requiring it is
2.1		modified in any way without the Surety's consent, the Court
22		order expires, or this cause is removed to another
23		jurisdiction.
24	6.	The Surety may file a motion with the Court for discharge of
25		this bond and its obligation hereunder for any good cause.
26		Good cause includes, but is not limited to, misrepresentation
27 28		or fraud in the initial application for this bond, nonpayment
.o !9		of premium, loss of collateral, or resignation of the Indemnitor. The Surety shall give notice of any such motion
30		to the Obligee.
51	NOW	THEREFORE, if the Principal faithfully complies with the
52		nents and conditions of the Court Order within the limitations
33	•	meters set forth therein, then this Obligation shall be void,
34	_	e it shall remain in full force and effect.
35		tness whereof, each party to this bond has caused it to be
66		at the place and on the date indicated below.
37		ed, sealed and dated on this day of, 20
8	Principa	
19		<u>-</u>
10	(Name a	nd address of Principal)
1	(Na	ame and address of Surety)
12		



1	(Signature of Principal)
2	(Countersigned by attorney-in-fact) (Surety seal)
_	Witness:
4 5	SECTION 30. IC 31-16-3.5-3, AS ADDED BY P.L.171-2001,
6	SECTION 30. IC 31-10-3.3-3, AS ADDED BY F.E.171-2001, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7	JULY 1, 2004]: Sec. 3. Upon forfeiture, the proceeds of security, a
8	bond, or other guarantee ordered to secure the obligation of child
9	support, enforcement of a custody order, or enforcement of a visitation
.0	parenting time order under this article may only be used to:
1	(1) reimburse the nonviolating party for actual costs or damages
2	incurred in upholding the court's order;
3	(2) locate and return the child to the residence as set forth in the
4	court's order, if the security, bond, or guarantee covers custody or
5	visitation, parenting time, or both; or
6	(3) reimburse reasonable fees and court costs to the court
7	appointed trustee.
8	SECTION 31. IC 31-17-2-8.3, AS ADDED BY P.L.133-2002,
9	SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20	JULY 1, 2004]: Sec. 8.3. (a) This section applies if a court finds that a
21	noncustodial parent has been convicted of a crime involving domestic
22	or family violence that was witnessed or heard by the noncustodial
23	parent's child.
24	(b) There is created a rebuttable presumption that the court shall
25	order that the noncustodial parent's visitation parenting time with the
26	child must be supervised:
27	(1) for at least one (1) year and not more than two (2) years
28	immediately following the crime involving domestic or family
29	violence; or
0	(2) until the child becomes emancipated;
51	whichever occurs first.
32	SECTION 32. IC 31-17-2-11 IS AMENDED TO READ AS
33	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) If, in a
4	proceeding for custody or modification of custody under IC 31-15, this
55	chapter, IC 31-17-4, IC 31-17-6, or IC 31-17-7, the court:
66	(1) requires supervision during the noncustodial parent's visitation
57	parenting time privileges; or
8	(2) suspends the noncustodial parent's visitation parenting time
9	privileges;
10	the court shall enter a conditional order naming a temporary custodian
1	for the child.
12	(b) A temporary custodian named by the court under this section



1	receives temporary custody of a child upon the death of the child's
2	custodial parent.
3	(c) Upon the death of a custodial parent, a temporary custodian
4	named by a court under this section may petition the court having
5	probate jurisdiction over the estate of the child's custodial parent for an
6	order under IC 29-3-3-6 naming the temporary custodian as the
7	temporary guardian of the child.
8	SECTION 33. IC 31-17-2-18 IS AMENDED TO READ AS
9	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 18. If both parents or
0	all contestants agree to the order or if the court finds that, in the
1	absence of the order, the child's physical health might be endangered
2	or the child's emotional development significantly impaired, the court
3	may order:
4	(1) the court social service agency;
5	(2) the staff of the juvenile court;
6	(3) the local probation department;
7	(4) the county office of family and children; or
8	(5) a private agency employed by the court for that purpose;
9	to exercise continuing supervision over the case to assure that the
20	custodial or visitation parenting time terms of the decree are carried
21	out.
22	SECTION 34. IC 31-17-2-21.7, AS ADDED BY P.L.171-2001,
23	SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24	JULY 1, 2004]: Sec. 21.7. (a) The court shall consider requiring
25	security, a bond, or another guarantee under section 21.5 of this chapter
26	if the court makes a finding under subdivision (1), (2), (4), or (7) by
27	clear and convincing evidence. If the court makes a finding under
28	subdivision (1), (2), (4), or (7), the court shall also consider
29	subdivisions (3), (5), (6), (8), and (9) in determining the amount of
0	security, bond, or other guarantee. In making a determination under this
31	section, the court shall consider the following:
32	(1) Whether a party has previously taken a child out of Indiana or
33	another state in violation of a custody, parenting time, or
34	visitation order.
35	(2) Whether a party has previously threatened to take a child out
66	of Indiana or another state in violation of a custody, parenting
37	time, or visitation order.
8	(3) Whether a party has strong ties to Indiana.
19	(4) Whether a party:
10	(A) is a citizen of another country;

(B) has strong emotional or cultural ties to the other country;



41 42

and

1	(C) has indicated or threatened to take a child out of Indiana	
2	to the other country.	
3	(5) Whether a party has friends or family living outside Indiana.	
4	(6) Whether a party does not have a financial reason to stay in	
5	Indiana, such as whether the party is unemployed, able to work	
6	anywhere, or is financially independent.	
7	(7) Whether a party has engaged in planning that would facilitate	
8	removal from Indiana, such as quitting a job, selling the party's	
9	primary residence, terminating a lease, closing an account,	
10	liquidating other assets, hiding or destroying documents, applying	
11	for a passport, applying for a birth certificate, or applying for	
12	school or medical records.	
13	(8) Whether a party has a history of marital instability, a lack of	
14	parental cooperation, domestic violence, or child abuse.	
15	(9) Whether a party has a criminal record.	
16	After considering evidence, the court shall issue a written	
17	determination of security, bond, or other written guarantee supported	
18	by findings of fact and conclusions of law.	
19	(b) If a motion for change of judge or change of venue is filed, the	
20	court may, before a determination of change of judge or change of	
21	venue, consider security, bond, or other guarantee under this chapter.	
22	SECTION 35. IC 31-17-2-23, AS AMENDED BY P.L.96-1999,	
23	SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
24	JULY 1, 2004]: Sec. 23. (a) If an individual who has been awarded	
25	custody of a child under this chapter intends to move to a residence:	
26	(1) other than a residence specified in the custody order; and	
27	(2) that is outside Indiana or at least one hundred (100) miles	
28	from the individual's county of residence;	
29	the individual must file a notice of the intent to move with the clerk of	
30	the court that issued the custody order and send a copy of the notice to	
31	a parent who was not awarded custody and who has been granted	
32	visitation parenting time rights under IC 31-17-4 (or IC 31-1-11.5-24	
33	before its repeal).	
34	(b) Upon request of either party, the court shall set the matter for a	
35	hearing for the purposes of reviewing and modifying, if appropriate, the	
36	custody, visitation, parenting time, and support orders. The court shall	
37	take into account the following in determining whether to modify the	
38	custody, visitation, parenting time, and support orders:	
39	(1) The distance involved in the proposed change of residence.	
40	(2) The hardship and expense involved for noncustodial parents	
41	to exercise visitation parenting time rights.	
42	(c) Except in cases of extreme hardship, the court may not award	



1	attorney's fees.
2	SECTION 36. IC 31-17-3-2 IS AMENDED TO READ AS
3	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. Definitions. As used
4	in this chapter:
5	(1) "contestant" means a person, including a parent, who claims
6	a right to custody, or visitation parenting time rights with respect
7	to a child;
8	(2) "custody determination" means a court decision and court
9	orders and instructions providing for the custody of a child,
10	including visitation parenting time rights; it does not include a
11	decision relating to child support or any other monetary obligation
12	of any person;
13	(3) "custody proceeding" includes proceedings in which a custody
14	determination is one of several issues, such as an action for
15	dissolution of marriage, but does not include child in need of
16	services proceedings;
17	(4) "decree" or "custody decree" means a custody determination
18	contained in a judicial decree or order made in a custody
19	proceeding, and includes an initial decree and a modification
20	decree;
21	(5) "home state" means the state in which the child, immediately
22	preceding the time involved, lived with his parents, a parent, or a
23	person acting as parent, for at least six (6) consecutive months,
24	and in the case of a child less than six (6) months old the state in
25	which the child lived from birth with any of the persons
26	mentioned. Periods of temporary absence of any of the named
27	persons are counted as part of the six (6) month or other period;
28	(6) "initial decree" means the first custody decree concerning a
29	particular child;
30	(7) "modification decree" means a custody decree which modifies
31	or replaces a prior decree, whether made by the court which
32	rendered the prior decree or by another court;
33	(8) "physical custody" means actual possession and control of a
34	child;
35	(9) "person acting as parent" means a person, other than a parent,
36	who has physical custody of a child and who has either been
37	awarded custody by a court or claims a right to custody; and
38	(10) "state" means any state, territory, or possession of the United
39	States, the Commonwealth of Puerto Rico, and the District of
	Columbia.
40	
41	SECTION 37. IC 31-17-3-8 IS AMENDED TO READ AS
42	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. Denial of



Jurisdiction. (a) If the petitioner for an initial decree has wrongfully taken the child from another state or has engaged in similar reprehensible conduct the court may decline to exercise jurisdiction if this is just and proper under the circumstances.

(b) Unless required in the interest of the child, the court shall not

- (b) Unless required in the interest of the child, the court shall not exercise its jurisdiction to modify a custody decree of another state if the petitioner, without consent of the person entitled to custody, has improperly removed the child from the physical custody of the person entitled to custody or has improperly retained the child after a visit parenting time or other temporary relinquishment of physical custody. If the petitioner has violated any other provision of a custody decree of another state the court may decline to exercise its jurisdiction if this is just and proper under the circumstances.
- (c) In appropriate cases a court dismissing a petition under this section may charge the petitioner with necessary travel and other expenses, including attorneys' fees, incurred by other parties or their witnesses.

SECTION 38. IC 31-17-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) Every party in a custody proceeding, other than an action for dissolution of marriage, in his first pleading or in an affidavit attached to that pleading shall give information under oath as to the child's present address, the places where the child has lived within the last five (5) years, and the names and present addresses of the persons with whom the child has lived during that period. In this pleading or affidavit every party shall further declare under oath whether:

- (1) he has participated (as a party, witness, or in any other capacity) in any other litigation concerning the custody of the same child in this or any other state;
- (2) he has information of any custody proceeding concerning the child pending in a court of this or any other state; and
- (3) he knows of any person not a party to the proceedings who has physical custody of the child or claims to have custody, or visitation parenting time rights with respect to the child.
- (b) If the declaration as to any of the above items is in the affirmative the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and as to other matters pertinent to the court's jurisdiction and the disposition of the case.
- (c) Each party has a continuing duty to inform the court of any custody proceeding concerning the child in this or any other state of which he obtained information during this proceeding.











SECTION 39. IC 31-17-3-10	IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1,	2004]: Sec. 10. Additional Parties.
If the court learns from information	n furnished by the parties pursuant
to section 9 of this chapter or from	n other sources that a person not a
party to the custody proceeding ha	as physical custody of the child or
claims to have custody, or visitation	parenting time rights with respect
to the child, it shall order that person	on to be joined as a party and to be
duly notified of the pendency of the	e proceeding and of his joinder as a
party. If the person joined as a par	rty is outside this state he shall be
served with process or otherwise no	
of this chapter.	
SECTION 40. IC 31-17-3.5-1,	AS ADDED BY P.L.171-2001,
SECTION 10, IS AMENDED TO RI	EAD AS FOLLOWS [EFFECTIVE
JULY 1, 2004]: Sec. 1. A bond red	quired under this article to secure
enforcement of a custody order of	
must:	
(1) be in writing; and	
(2) be secured by:	
(A) at least one (1) residen	at freehold surety; or
(B) a commercial insuranc	e company.
SECTION 41. IC 31-17-3.5-2,	, AS ADDED BY P.L.171-2001,
SECTION 10, IS AMENDED TO RI	EAD AS FOLLOWS [EFFECTIVE
JULY 1, 2004]: Sec. 2. A bond des	scribed in section 1 of this chapter
may be prepared in substantially th	e following form:
STATE OF INDIANA)
) SS:
COUNTY OF	_)
)
)
IN THE MATTER OF:	
)
)
Name of Parent (As the Principal)	
)
Name of Parent (As the Obligee)	
)
)
CHILD:	
)
	,
Name of Child	,
) PRESENTS, that we, as



1	Principa	l, and, as Surety, are held and firmly bound unto,	
2	as Oblig	ee, in the penal sum of Dollars (\$), for the payment	
3	of which	well and truly to be made we hereby bind ourselves and our	
4	heirs, ad	ministrators, successors, and assigns, jointly and severally,	
5		y these presents.	
6	WHE	REAS, an Order was duly made and entered by the above	
7		the State of Indiana, County of, dated, defining	
8		visitation, parenting time, and support rights regarding the	
9	named c	hildren.	
10	NOW	THEREFORE, the conditions of this obligation are such that:	1
11	1.	No right of action on this bond shall be granted for the use	
12		or benefit of any individual, partnership, corporation, or	1
13		other entity, other than the named Obligee.	
14	2.	It is agreed that neither this bond nor the obligation of this	
15		bond, nor any interest in this bond, may be assigned without	
16		the prior express written consent of the Surety.	4
17	3.	Payment under this bond shall be conditioned upon the	
18		Obligee's, or the representative of the Obligee's, filing a	•
19		motion with the court seeking a declaration of forfeiture of	
20		the bond and the Court's finding and entry of a final	
21		judgment ordering the Principal and Surety to make such	
22		payment. A certified copy of the filing shall be provided to	
23		the Surety at its address of record. The Surety shall make	
24		payment within thirty (30) days of receiving notification of	
25		the final judgment directly to a Trustee appointed by the	
26		Court who shall administer the funds in a fiduciary capacity.	
27	4.	The Surety shall not be liable hereunder for any amount	T
28	••	larger than the face amount of this bond.	1
29	5.	This bond and the obligation hereunder shall terminate and	
30		be of no further effect if the Court order requiring it is	
31		modified in any way without the Surety's consent, the Court	
32		order expires, or this cause is removed to another	
33		jurisdiction.	
34	6.	The Surety may file a motion with the Court for discharge of	
35		this bond and its obligation hereunder for any good cause.	
36		Good cause includes, but is not limited to, misrepresentation	
37		or fraud in the initial application for this bond, nonpayment	
38		of premium, loss of collateral, or resignation of the	
39		Indemnitor. The Surety shall give notice of any such motion	
40		to the Obligee.	
41	NOW	THEREFORE, if said Principal shall faithfully comply with	
42		direments and conditions of said Court Order within the	



	and parameters set forth therein, then this Obligation shall	
	herwise it shall remain in full force and effect.	
In witne	ess whereof, each party to this bond has caused it to be	
	t the place and on the date indicated below.	
	sealed and dated on this day of, 20	
Principal:	Surety:	
(Name and	l address of Principal)	
	e and address of Surety)	
(Signature	of Principal)	
	ntersigned by attorney-in-fact)	
	ty seal)	
Witness:	• • • • • • • • • • • • • • • • • • • •	
	ON 42. IC 31-17-3.5-3, AS ADDED BY P.L.171-2001,	
	10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
	2004]: Sec. 3. Upon forfeiture, the proceeds of security, a	
	ther guarantee ordered to secure enforcement of a custody	
	sitation parenting time order under this article may only be	
used to:	, ,	
(1) rei	imburse the nonviolating party for actual costs or damages	
incurr	red in upholding the court's order;	
(2) loc	cate and return the child to the residence as set forth in the	
court's	's order; or	
(3) re	eimburse reasonable fees and court costs to the court	
appoii	inted trustee.	
SECTIO	ON 43. IC 31-17-3.5-4, AS ADDED BY P.L.171-2001,	
SECTION 1	10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	V
JULY 1, 20	004]: Sec. 4. Upon forfeiture, the proceeds of the security, a	
bond, or ot	ther guarantee ordered to secure enforcement of a custody	
order or vis	sitation parenting time order under this article that are not	
applied to t	the expenses described in section 3 of this chapter must be	
applied tow	vard:	
(1) the	e child's higher education; or	
(2) the	e support and maintenance of the child.	
SECTIO	ON 44. IC 31-17-4-1 IS AMENDED TO READ AS	
FOLLOWS	S [EFFECTIVE JULY 1, 2004]: Sec. 1. A parent not granted	
•	the child is entitled to reasonable visitation parenting time	
rights unles	ss the court finds, after a hearing, that visitation parenting	
	e noncustodial parent might endanger the child's physical	
health or si	ignificantly impair the child's emotional development.	
SECTIO	ON 45. IC 31-17-4-2 IS AMENDED TO READ AS	



1	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. The court may
2	modify an order granting or denying visitation parenting time rights
3	whenever modification would serve the best interests of the child.
4	However, the court shall not restrict a parent's visitation parenting
5	time rights unless the court finds that the visitation parenting time
6	might endanger the child's physical health or significantly impair the
7	child's emotional development.
8	SECTION 46. IC 31-17-4-2.5, AS ADDED BY P.L.171-2001,
9	SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10	JULY 1, 2004]: Sec. 2.5. The court may provide in:
11	(1) a visitation parenting time order; or
12	(2) a modification to a visitation parenting time order;
13	for the security, bond, or other guarantee that is satisfactory to the court
14	to secure enforcement of the provisions of the visitation parenting
15	time order.
16	SECTION 47. IC 31-17-4-3 IS AMENDED TO READ AS
17	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) In any action
18	filed to enforce or modify an order granting or denying visitation
19	parenting time rights, a court may award:
20	(1) reasonable attorney's fees;
21	(2) court costs; and
22	(3) other reasonable expenses of litigation.
23	(b) In determining whether to award reasonable attorney's fees,
24	court costs, and other reasonable expenses of litigation, the court may
25	consider among other factors:
26	(1) whether the petitioner substantially prevailed and whether the
27	court found that the respondent knowingly or intentionally
28	violated an order granting or denying rights; and
29	(2) whether the respondent substantially prevailed and the court
30	found that the action was frivolous or vexatious.
31	SECTION 48. IC 31-17-4-4 IS AMENDED TO READ AS
32	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. A noncustodial
33	parent who:
34	(1) has been granted visitation parenting time rights with a child
35	who lives with the custodial parent;
36	(2) regularly pays support ordered by a court for the child; and
37	(3) is barred by a custodial parent from exercising visitation
38	parenting time rights ordered for the noncustodial parent and the
39	child;
40	may file, in the court that has jurisdiction over the dissolution of
41	marriage, an application for a permanent injunction against the

 $custodial\ parent\ under\ Rule\ 65\ of\ the\ Indiana\ Rules\ of\ Trial\ Procedure.$



1	SECTION 49. IC 31-17-4-5 IS AMENDED TO READ AS
2	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) If an application
3	for an injunction has been filed under section 4 of this chapter (or
4	IC 31-1-11.5-26 before its repeal), the court may grant, without notice,
5	upon affidavit of the noncustodial parent, a temporary restraining order
6	restraining the custodial parent from further violation of the visitation
7	parenting time order.
8	(b) In the affidavit, the noncustodial parent must state under
9	penalties for perjury that:
10	(1) the noncustodial parent has been granted visitation parenting
11	time rights with the child; and
12	(2) the noncustodial parent regularly pays the support ordered by
13	a court for the child.
14	SECTION 50. IC 31-17-4-8, AS AMENDED BY P.L.32-2000,
15	SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16	JULY 1, 2004]: Sec. 8. A court that finds an intentional violation
17	without justifiable cause by a custodial parent of an injunction or a
18	temporary restraining order issued under this chapter (or
19	IC 31-1-11.5-26 before its repeal):
20	(1) shall find the custodial parent in contempt of court;
21	(2) shall order the exercise of visitation parenting time that was
22	not exercised due to the violation under this section at a time the
23	court considers compatible with the schedules of the noncustodial
24	parent and the child;
25	(3) may order payment by the custodial parent of reasonable
26	attorney's fees, costs, and expenses to the noncustodial parent;
27	and
28	(4) may order the custodial parent to perform community
29	restitution or service without compensation in a manner specified
30	by the court.
31	SECTION 51. IC 31-17-4-10, AS AMENDED BY P.L.2-2003,
32	SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33	JULY 1, 2004]: Sec. 10. A noncustodial parent who misses visitation
34	parenting time as the result of participation in an activity of:
35	(1) the Indiana National Guard; or
36	(2) a reserve component of the armed forces of the United States;
37	may make up the lost visitation parenting time as provided in
38	IC 10-16-7-22.
39	SECTION 52. IC 31-17-6-7 IS AMENDED TO READ AS
40	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. The court may order
41	a guardian ad litem or court appointed special advocate appointed by

a court under this chapter (or IC 31-1-11.5-28 before its repeal) to



42

1	exercise continuing supervision over the child to assure that the	
2	custodial or visitation parenting time terms of an order entered by the	
3	court under IC 31-17-2 or IC 31-17-4 (or IC 31-1-11.5 before its	
4	repeal) are carried out as required by the court.	
5	SECTION 53. IC 31-18-3-5 IS AMENDED TO READ AS	
6	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) When a	
7	responding Indiana tribunal receives a petition or comparable pleading	
8	from an initiating tribunal or directly under section 1(c) of this chapter,	
9	the responding tribunal shall:	
10	(1) file the petition or pleading; and	
11	(2) notify the petitioner by first class mail of the location and date	
12	that the petition or comparable pleading was filed.	
13	(b) A responding Indiana tribunal, to the extent otherwise	
14	authorized by law, may do one (1) or more of the following:	
15	(1) Issue or enforce a support order, modify a child support order,	
16	or enter a judgment to establish paternity.	
17	(2) Order an obligor to comply with a support order, specifying	
18	the amount and the manner of compliance.	
19	(3) Order income withholding.	
20	(4) Determine the amount of any arrearages and specify a method	
21	of payment.	E4
22	(5) Enforce orders by civil or criminal contempt, or both.	
23	(6) Set aside property for satisfaction of the support order.	
24	(7) Place liens and order execution on the obligor's property.	_
25	(8) Order an obligor to keep a tribunal informed of the obligor's	
26	current:	
27	(A) residential address;	
28	(B) telephone number;	T Y
29	(C) income payor;	
30	(D) address of employment; and	
31	(E) telephone number at the place of employment.	
32	(9) Issue a bench warrant or body attachment for an obligor who	
33	has failed after proper notice to appear at a hearing ordered by the	
34	tribunal, and enter the bench warrant in any local and state	
35	computer systems for criminal warrants.	
36	(10) Order the obligor to seek appropriate employment by	
37	specified methods.	
38	(11) Award reasonable attorney's fees and other fees and costs.	
39	(12) As appropriate, grant any other available remedy under	
40	federal or state law.	
41	(c) A responding Indiana tribunal shall include in:	
42	(1) a support order issued under this article; or	



1	(2) the documents accompanying the order;	
2	the calculations upon which the support order is based.	
3	(d) A responding Indiana tribunal may not condition the payment of	
4	a support order issued under this article upon a party's compliance with	
5	provisions for visitation. parenting time.	
6	(e) If a responding Indiana tribunal issues an order under this article,	
7	the Indiana tribunal shall send a copy of the order by first class mail to	
8	the:	
9	(1) petitioner;	4
10	(2) respondent; and	
11	(3) initiating tribunal, if any.	
12	SECTION 54. IC 31-18-7-2 IS AMENDED TO READ AS	
13	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. Nothing in this	
14	chapter shall be construed to confer jurisdiction on the court to	
15	determine issues of custody, visitation, parenting time, or the surname	
16	of a child. However, the parties may stipulate to the jurisdiction of the	
17	court with regard to custody, visitation, parenting time, or the surname	
18	of a child.	
19	SECTION 55. IC 31-35-1-12 IS AMENDED TO READ AS	
20	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. For purposes of	
21	sections 6 and 8 of this chapter, the parents must be advised that:	
22	(1) their consent is permanent and cannot be revoked or set aside	
23	unless it was obtained by fraud or duress or unless the parent is	
24	incompetent;	_
25	(2) when the court terminates the parent-child relationship:	
26	(A) all rights, powers, privileges, immunities, duties, and	
27	obligations, including any rights to custody, control, visitation,	
28	parenting time, or support pertaining to the relationship, are	\
29	permanently terminated; and	
30	(B) their consent to the child's adoption is not required;	
31	(3) the parents have a right to the:	
32	(A) care;	
33	(B) custody; and	
34	(C) control;	
35	of their child as long as the parents fulfill their parental	
36	obligations;	
37	(4) the parents have a right to a judicial determination of any	
38	alleged failure to fulfill their parental obligations in a proceeding	
39	to adjudicate their child a delinquent child or a child in need of	
40	services;	
41	(5) the parents have a right to assistance in fulfilling their parental	
42	obligations after a court has determined that the parents are not	



1	doing so;	
2	(6) proceedings to terminate the parent-child relationship against	
3	the will of the parents can be initiated only after:	
4	(A) the child has been adjudicated a delinquent child or a child	
5	in need of services and removed from their custody following	
6	the adjudication; or	
7	(B) a parent has been convicted and imprisoned for an offense	
8	listed in IC 31-35-3-4 (or has been convicted and imprisoned	
9	for an offense listed in IC 31-6-5-4.2(a) before its repeal), the	
10	child has been removed from the custody of the parents under	
11	a dispositional decree, and the child has been removed from	
12	the custody of the parents for six (6) months under a court	
13	order;	
14	(7) the parents are entitled to representation by counsel, provided	
15	by the state if necessary, throughout any proceedings to terminate	
16	the parent-child relationship against the will of the parents; and	
17	(8) the parents will receive notice of the hearing at which the	
18	court will decide if their consent was voluntary, and the parents	
19	may appear at the hearing and allege that the consent was not	
20	voluntary.	
21	SECTION 56. IC 31-35-6-4 IS AMENDED TO READ AS	
22	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) If the juvenile or	
23	probate court terminates the parent-child relationship:	
24	(1) all rights, powers, privileges, immunities, duties, and	
25	obligations, including any rights to custody, control, visitation,	
26	parenting time, or support, pertaining to the relationship, are	
27	permanently terminated; and	
28	(2) the parent's consent to the child's adoption is not required.	
29	(b) Any support obligations that accrued before the termination are	
30	not affected. However, the support payments shall be made under the	
31	juvenile or probate court's order.	
32	SECTION 57. IC 34-7-4-2, AS AMENDED BY P.L.2-2002,	
33	SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
34	JULY 1, 2004]: Sec. 2. Statutes outside IC 34 providing causes of	
35	action or procedures include the following:	
36	(1) IC 4-21.5-5 (Judicial review of administrative agency actions).	
37	(2) IC 22-3-4 (Worker's compensation administration and	
38	procedures).	
39	(3) IC 22-4-17 (Unemployment compensation system, employee's	
40	claims for benefits).	
41	(4) IC 22-4-32 (Unemployment compensation system, employer's	
42	appeal process).	



1	(5) IC 22-9 (Civil rights actions).
2	(6) IC 31-14 (Paternity).
3	(7) IC 31-15 (Dissolution of marriage and legal separation).
4	(8) IC 31-16 (Support of children and other dependants).
5	(9) IC 31-17 (Custody and visitation): parenting time).
6	(10) IC 31-19 (Adoption).
7	(11) IC 32-27-2, IC 32-30-1, IC 32-30-2, IC 32-30-2.1,
8	IC 32-30-2, IC 32-30-3.1, IC 32-30-4, IC 32-30-9, IC 32-30-10,
9	IC 32-30-12, IC 32-30-13, and IC 32-30-14 (Real Property).
10	(12) IC 33-1-3 (Attorney Liens).
11	SECTION 58. IC 34-26-5-9, AS ADDED BY P.L.133-2002,
12	SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13	JULY 1, 2004]: Sec. 9. (a) If it appears from a petition for an order for
14	protection or from a petition to modify an order for protection that
15	domestic or family violence has occurred or that a modification of an
16	order for protection is required, a court may:
17	(1) without notice or hearing, immediately issue an order for
18	protection ex parte or modify an order for protection ex parte; or
19	(2) upon notice and after a hearing, whether or not a respondent
20	appears, issue or modify an order for protection.
21	(b) A court may grant the following relief without notice and
22	hearing in an ex parte order for protection or in an ex parte order for
23	protection modification:
24	(1) Enjoin a respondent from threatening to commit or
25	committing acts of domestic or family violence against a
26	petitioner and each designated family or household member.
27	(2) Prohibit a respondent from harassing, annoying, telephoning,
28	contacting, or directly or indirectly communicating with a
29	petitioner.
30	(3) Remove and exclude a respondent from the residence of a
31	petitioner, regardless of ownership of the residence.
32	(4) Order a respondent to stay away from the residence, school, or
33	place of employment of a petitioner or a specified place
34	frequented by a petitioner and each designated family or
35	household member.
36	(5) Order possession and use of the residence, an automobile, and
37	other essential personal effects, regardless of the ownership of the
38	residence, automobile, and essential personal effects. If
39	possession is ordered under this subdivision, the court may direct
40	a law enforcement officer to accompany a petitioner to the
41	residence of the parties to:
42	(A) ensure that a petitioner is safely restored to possession of



1	the residence, automobile, and other essential personal effects;	
2	or	
3	(B) supervise a petitioner's or respondent's removal of personal	
4	belongings.	
5	(6) Order other relief necessary to provide for the safety and	
6	welfare of a petitioner and each designated family or household	
7	member.	
8	(c) A court may grant the following relief after notice and a hearing,	
9	whether or not a respondent appears, in an order for protection or in a	
10	modification of an order for protection:	
11	(1) Grant the relief under subsection (b).	
12	(2) Specify arrangements for visitation parenting time of a minor	
13	child by a respondent and:	
14	(A) require supervision by a third party; or	
15	(B) deny visitation; parenting time;	_
16	if necessary to protect the safety of a petitioner or child.	
17	(3) Order a respondent to:	
18	(A) pay attorney's fees;	
19	(B) pay rent or make payment on a mortgage on a petitioner's	
20	residence;	
21	(C) if the respondent is found to have a duty of support, pay	
22	for the support of a petitioner and each minor child;	
23	(D) reimburse a petitioner or other person for expenses related	
24	to the domestic or family violence, including:	_
25	(i) medical expenses;	
26	(ii) counseling;	
27	(iii) shelter; and	
28	(iv) repair or replacement of damaged property; or	V
29	(E) pay the costs and fees incurred by a petitioner in bringing	
30	the action.	
31	(4) Prohibit a respondent from using or possessing a firearm,	
32	ammunition, or a deadly weapon specified by the court, and direct	
33	the respondent to surrender to a specified law enforcement agency	
34	the firearm, ammunition, or deadly weapon for the duration of the	
35	order for protection unless another date is ordered by the court.	
36	An order issued under subdivision (4) does not apply to a person who	
37	is exempt under 18 U.S.C. 925.	
38	(d) The court shall:	
39	(1) cause the order for protection to be delivered to the county	
40	sheriff for service;	
41	(2) make reasonable efforts to ensure that the order for protection	
42	is understood by a petitioner and a respondent if present;	



1	(3) transmit, by the end of the same business day on which the	
2	order for protection is issued, a copy of the order for protection to	
3	each local law enforcement agency designated by a petitioner;	
4	(4) transmit a copy of the order to the clerk for processing under	
5	IC 5-2-9; and	
6	(5) notify the state police department of the order if the order and	
7	the parties meet the criteria under 18 U.S.C. 922(g)(8).	
8	(e) An order for protection issued ex parte or upon notice and a	
9	hearing, or a modification of an order for protection issued ex parte or	
.0	upon notice and a hearing, is effective for two (2) years after the date	
1	of issuance unless another date is ordered by the court. The sheriff of	
2	each county shall provide expedited service for an order for protection.	
3	(f) A finding that domestic or family violence has occurred	
4	sufficient to justify the issuance of an order under this section means	
.5	that a respondent represents a credible threat to the safety of a	
6	petitioner or a member of a petitioner's household. Upon a showing of	
7	domestic or family violence by a preponderance of the evidence, the	
8	court shall grant relief necessary to bring about a cessation of the	
9	violence or the threat of violence. The relief may include an order	
20	directing a respondent to surrender to a law enforcement officer or	
21	agency all firearms, ammunition, and deadly weapons:	
22	(1) in the control, ownership, or possession of a respondent; or	
23	(2) in the control or possession of another person on behalf of a	
24	respondent;	
25	for the duration of the order for protection unless another date is	
26	ordered by the court.	
27	(g) An order for custody, visitation, parenting time, or possession	
28	or control of property issued under this chapter is superseded by an	
29	order issued from a court exercising dissolution, legal separation,	
0	paternity, or guardianship jurisdiction over the parties.	
31	(h) The fact that an order for protection is issued under this chapter	
32	does not raise an inference or presumption in a subsequent case or	
33	hearings between the parties.	
34	SECTION 59. IC 35-42-3-4 IS AMENDED TO READ AS	
35	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) A person who	
66	knowingly or intentionally:	
37	(1) removes another person who is less than eighteen (18) years	
8	of age to a place outside Indiana when the removal violates a	
9	child custody order of a court; or	
10	(2) removes another person who is less than eighteen (18) years	
1	of age to a place outside Indiana and violates a child custody	
12	order of a court by failing to return the other person to Indiana;	



1	commits interference with custody, a Class D felony. However, the	
2	offense is a Class C felony if the other person is less than fourteen (14)	
3	years of age and is not the person's child, and a Class B felony if the	
4	offense is committed while armed with a deadly weapon or results in	
5	serious bodily injury to another person.	
6	(b) A person who with the intent to deprive another person of	
7	custody or visitation parenting time rights:	
8	(1) knowingly or intentionally takes and conceals; or	
9	(2) knowingly or intentionally detains and conceals;	
0	a person who is less than eighteen (18) years of age commits	
1	interference with custody, a Class C misdemeanor. However, the	
2	offense is a Class B misdemeanor if the taking and concealment, or the	
3	detention and concealment, is in violation of a court order.	
4	(c) With respect to a violation of this section, a court may consider	
5	as a mitigating circumstance the accused person's return of the other	
6	person in accordance with the child custody order within seven (7) days	
7	after the removal.	
8	(d) The offenses described in this section continue as long as the	
9	child is concealed or detained, or both.	
0	(e) If a person is convicted of an offense under this section, a court	
1	may impose against the defendant reasonable costs incurred by a parent	
2	or guardian of the child because of the taking, detention, or	
	concealment of the child.	

